

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

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TETRIS HOLDING, LLC and THE	)	
TETRIS COMPANY, LLC,	)	
	)	
Plaintiffs and	)	
Counterclaim-Defendants,	)	
	)	
vs.	)	Civil Action No.
	)	3:09-CV-6115 (FLW) (DEA)
	)	
XIO INTERACTIVE INC.,	)	
	)	
Defendant and	)	
Counterclaim-Plaintiff.	)	
_____	)	

VIDEOTAPED DEPOSITION OF

DESIREE GOLEN

\_\_\_\_\_  
January 28, 2011

REPORTED BY:

JULIE ANNE ZEIGLER, RPR, CSR 9750

JOB #432442

1           A.    I think I wrote -- I wrote this copy, but I  
2    think I remember getting input from other people.

3           Q.    Well, in it, you wrote, among other things,  
4    "We specialize in creating real-time multiplayer games  
5    and perfecting social gaming experience." Do you see  
6    that?

7           A.    Um-hum.

8           Q.    The only games Xio ever created was Mino,  
9    right?

10          A.    We created Mino and Mino Lite.

11          Q.    And then you go on to say, "Using our  
12    proprietary Xio-based technology." What did you mean  
13    by your "proprietary Xio-based technology"?

14          A.    I think I must have meant that we created --  
15    that Xio created Mino from scratch, and we had the  
16    technology capabilities to create Mino from scratch. So  
17    I think "Xio-based" is just referring to our source  
18    code.

19          Q.    You say you created Mino from scratch; is  
20    that your testimony?

21          A.    Yes.

22          Q.    Isn't it true that when you created Mino, you  
23    were aware of how the EA Tetris game looked?

24                MS. MAITRA: Objection; asked and answered.

25                THE WITNESS: I don't remember when we started